

1 UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF OHIO  
3 EASTERN DIVISION

4 IN RE: NATIONAL ) MDL No. 2804  
5 PRESCRIPTION OPIATE )  
6 LITIGATION, ) Case No.  
7 ) 1:17-MD-2804  
8 )  
9 THIS DOCUMENT RELATES TO ) Hon. Dan A.  
10 ALL CASES ) Polster  
11 )

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Wednesday, December 12, 2018

HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER  
CONFIDENTIALITY REVIEW

Videotaped Deposition of MIRANDA  
JOHNSON, held at 4206 South J.B. Hunt Drive,  
Rogers, Arkansas, commencing at 8:51 a.m., on  
the above date, before Debra A. Dibble,  
Certified Court Reporter, Registered  
Diplomate Reporter, Certified Realtime  
Captioner, Certified Realtime Reporter and  
Notary Public.

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Page 2

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Page 4

1 ALSO PRESENT:  
2 Jennifer B. Bechet  
3 Senior Associate Counsel  
4 Commercial & Class Action  
5 VIDEOGRAPHER:  
6 James Arndt  
7 GOLKOW LITIGATION SERVICES  
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Page 5

1 I N D E X  
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3 M I R A N D A J O H N S O N PAGE  
4 DIRECT EXAMINATION BY MR. INNES 10  
5  
6 E X H I B I T S  
7 No. Description Page  
8 Walmart Walmart Inc.'s Responses to 40  
9 Johnson Plaintiffs' (First)  
10 Exhibit 1 Combined Discovery Requests  
11 to National Retail  
12 Pharmacies Defendants and  
13 attached documents under  
14 seven tabs to include Bates  
15 WMT MDL 000011106-109 and  
16 WMT MDL 000000963-971 and  
17 WMT MDL 000008377-8379 and  
18 WMT MDL 000004237-4239 and  
19 WMT MDL 000004781-4783.  
20  
21 Walmart FY15 Annual Performance 160  
22 Johnson Evaluation (50/40/10) for  
23 Exhibit 2 Miranda Johnson.  
24 WMT MDL 000055406-55410.  
25 Walmart 2014 email chain. Subj: 174  
Johnson RE: SOM ISD Request Form  
Exhibit 3 with native attachment.  
WMT MDL 000048098-101-3.  
Walmart 10-28-14 email from Miranda 211  
Johnson Johnson to George Chapman.  
Exhibit 4 Subj: SOM Strategy Deck -  
Updated, with attached  
PowerPoint deck.  
WMT MDL 000009385-9386 and  
attachment.  
Walmart May 2017 email chain. 228  
Johnson Subj: RE: Logistics Order  
Exhibit 5 Routing Project.  
WMT MDL 000041598-41599.

Page 6	Page 8
<p>1 Walmart January 2018 email chain. 255  2 Johnson Subj: RE: Suspicious Order  3 Exhibit 6 Monitoring.  4 WMT_MDL_000021115-21117.  5 Walmart 12-4-14 email from Roxy 265  6 Johnson Reed. Subj:  7 Exhibit 7 Step 2 Threshold Calc.xlsx.  8 WMT_MDL_000029318-29319  9 with attachment.  10 Walmart 10-28-14 email from Kristy 276  11 Johnson Spruell.  12 Exhibit 8 WMT_MDL_000009819-9820,  13 with attachment.  14 Walmart 10-5-17 email from Miranda 288  15 Johnson Johnson to David Barlow.  16 Exhibit 9 Subj: Buzzed SOM Algorithm.  17 WMT_MDL_000005896-5910.  18 Walmart May 2016 email chain. 293  19 Johnson Subj: RE: SOM Cloud Data  20 Exhibit 10 Document - Current Version  21 ver. 1.3.  22 WMT_MDL_000004624-4626.  23 Walmart April 2015 email chain. 326  24 Johnson Subj: RE: Archer.  25 Exhibit 11 WMT_MDL_000016206-16207.  26 Walmart 4-27-15 email from Miranda 330  27 Johnson Johnson to Tim Koch. Subj:  28 Exhibit 12 Areas of Focus - Week 13.  29 WMT_MDL_000027961-27962.  30 Walmart 1-11-16 email chain. Subj: 333  31 Johnson RE: SOM.  32 Exhibit 13 WMT_MDL_000003862-5883.  33 Walmart 8-10-15 email from Miranda 342  34 Johnson Johnson to Tim Koch.  35 Exhibit 14 WMT_MDL_000020368.</p>	<p>1 PROCEEDINGS  2 (December 12, 2018 at 8:51 a.m.)  3 VIDEOGRAPHER: We're now on the  4 record. My name is James Arndt. I'm  5 a videographer for Golkow Litigation  6 Services. Today's date is  7 December 12, 2018, and the time is  8 8:51 a.m. This video deposition is  9 being held in Rogers, Arkansas in the  10 matter of the National Prescription  11 Opiate Litigation for the  12 United States District Court for the  13 Northern District of Ohio, Eastern  14 Division. The deponent is Miranda  15 Johnson.  16 Will counsel please identify  17 themselves?  18 MR. INNES: Good morning. This  19 is Michael Innes of Carella Byrne for  20 plaintiffs.  21 MR. ECKLUND: Good morning.  22 Don Ecklund, also from Carella Byrne,  23 on behalf of plaintiffs and the MDL.  24 MS. TABACCHI: Good morning.  25 Tina Tabacchi from Jones Day on behalf</p>
Page 7	Page 9
<p>1 Walmart February 2015 email chain. 349  2 Johnson Subj: Sr. Controlled  3 Exhibit 15 Substances Analyst - For  4 Review.  5 WMT_MDL_000016104-16105.  6 REPORTER'S CERTIFICATE 368  7 ERRATA 370  8 WITNESS SIGNATURE PAGE 371  9 ATTORNEY NOTES 372  10  11  12  13  14  15  16  17  18  19  20  21  22  23  24  25</p>	<p>1 of defendant Walmart and the witness.  2 MR. ELMER: Scott Elmer also  3 from Jones Day on behalf of Walmart.  4 MS. BECHET: Good morning.  5 Jennifer Bechet, senior associate  6 counsel, Walmart, Incorporated.  7 MR. VO: Good morning. Caley  8 Vo on behalf of defendant McKesson.  9 VIDEOGRAPHER: Will counsel on  10 the phone please identify themselves.  11 MR. HAWKINS: Will Hawkins from  12 Williams &amp; Connolly on behalf of  13 Cardinal Health.  14 MR. LADD: Matthew Ladd of  15 Morgan Lewis on behalf of defendant  16 Rite Aid.  17 MR. WATTS: Ryan Watts from  18 Arnold and Porter, LLC, on behalf of  19 Endo Health Solutions Inc.; Endo  20 Pharmaceuticals Inc.; Par  21 Pharmaceuticals, Inc.; Par  22 Pharmaceutical Companies, Inc.  23 formerly known as Par Pharmaceutical  24 Holdings, Inc.  25 MS. ROCCHINO: Samantha</p>

<p style="text-align: right;">Page 10</p> <p>1 Rocchino for Reed Smith, LLP, on 2 behalf of AmerisourceBergen Drug 3 Corporation. 4 VIDEOGRAPHER: The court 5 reporter is Debbie Dibble, and she 6 will now swear in the witness. 7 MIRANDA JOHNSON, 8 having first been duly sworn, was examined 9 and testified as follows: 10 DIRECT EXAMINATION 11 BY MR. INNES: 12 Q. Good morning, Ms. Johnson. My 13 name is Michael Innes. I'm with the law firm 14 Carella Byrne. I represent the plaintiffs in 15 the matter. 16 Could you state your full name 17 for the record? 18 A. Miranda Johnson. 19 Q. And who is your current 20 employer? 21 A. Walmart. 22 Q. And what is your current title? 23 A. Director on the controlled 24 substances compliance team. 25 Q. And what's your business</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. Is that good? Is that clear? 2 A. That's clear. 3 Q. Have you ever testified in a 4 deposition or a trial before? 5 A. No. 6 Q. What did you do, if anything, 7 to prepare for today's deposition? 8 A. I met with counsel. 9 Q. How many times did you meet 10 with counsel? 11 A. Yesterday, a few hours on 12 Monday, and then a few hours before that. 13 Q. And were those meetings in 14 person? 15 A. Yesterday was in person. 16 Q. And the others were over the 17 phone? 18 A. Phone, mm-hmm. 19 Q. Were any of them 20 videoconferenced, anything like that? 21 A. No. 22 Q. About how many hours do you 23 think each session was? 24 A. Yesterday was probably about -- 25 it was the day -- a full day. The other was</p>
<p style="text-align: right;">Page 11</p> <p>1 address? 2 A. 702 Southwest 8th Street in 3 Bentonville, Arkansas. 4 Q. You understand you are under 5 oath; is that correct? 6 A. Yes. 7 Q. And are you taking any 8 medication that would interfere with your 9 ability to answer my questions fully and 10 truthfully today? 11 A. No. 12 Q. Is there any reason why you 13 cannot answer my questions fully and 14 truthfully today? 15 A. No. 16 Q. If I ask you a question that 17 you don't understand -- and this is 18 important -- please let me know. 19 If you do understand -- I'm 20 sorry. If I ask a question you don't 21 understand, let me know. I'll rephrase it. 22 If you answer a question, I'm 23 going to assume that you understood the 24 question. 25 A. Okay.</p>	<p style="text-align: right;">Page 13</p> <p>1 a few hours. I can't remember exactly how 2 many. Maybe four. 3 Q. So there was two sessions, 4 yesterday and then a day prior? 5 A. Yesterday, with the full day, 6 Monday for a few hours, and then there was a 7 few hours before that. 8 Q. Okay. 9 Who was present in those 10 meetings? You can go through each one in the 11 sequence. 12 A. It was counsel. I'm trying to 13 remember who all was in there. 14 Tina, Scott, Jennifer, 15 Carl Sparks. 16 MS. TABACCHI: Do you -- 17 Do you want me to help you 18 streamline this, Michael? 19 THE WITNESS: Sorry. 20 MS. TABACCHI: Walmart's 21 in-house and outside counsel. 22 THE WITNESS: Yeah. 23 MR. INNES: No non-attorneys 24 were there? 25 MS. TABACCHI: Correct.</p>

Page 14

1 THE WITNESS: Correct.  
 2 MR. INNES: Thank you.  
 3 Q. (BY MR. INNES) Did you review  
 4 any testimony in this case prior to today?  
 5 A. No.  
 6 Q. Did you speak with any  
 7 representative of any other defendant in the  
 8 case prior to today? Regarding this case?  
 9 A. No.  
 10 Q. Did you speak with anyone else  
 11 other than counsel regarding the case or your  
 12 deposition today?  
 13 A. No.  
 14 Q. Have you discussed this case  
 15 with anyone other than counsel at any time?  
 16 A. No.  
 17 Q. You've never had any discussion  
 18 with Mr. Koch, C-O-C-H? [sic] About the  
 19 case?  
 20 A. About the case?  
 21 MS. TABACCHI: Object to the  
 22 form.  
 23 MR. INNES: Yes.  
 24 THE WITNESS: Not that I  
 25 remember.

Page 15

1 Q. (BY MR. INNES) Okay. So you  
 2 graduated Louisiana Tech in 2002; is that  
 3 right?  
 4 A. Yes.  
 5 Q. Did you ever meet Tech the  
 6 bulldog?  
 7 A. I don't know if I did. I don't  
 8 remember.  
 9 Q. Just kidding.  
 10 And then, you graduated from  
 11 the University of Arkansas School of Law in  
 12 2006; is that right?  
 13 A. Yes. I graduated from law  
 14 school in 2006, yes.  
 15 Q. And that was a three-year  
 16 program?  
 17 A. It was.  
 18 Q. Okay. And did you take a bar  
 19 exam after you completed your JD?  
 20 A. Yes.  
 21 Q. And where was that?  
 22 A. Where was the bar exam?  
 23 Q. What state were you in?  
 24 A. Oh, Arkansas.  
 25 Q. Arkansas. Is that the only

Page 16

1 state where you sat for the bar?  
 2 A. Yes.  
 3 Q. And did you pass the bar?  
 4 A. Yes.  
 5 Q. Are you admitted to the state  
 6 of Arkansas?  
 7 A. Yes.  
 8 Q. Any other states that you are  
 9 admitted in?  
 10 A. No.

Page 17

1 [REDACTED]  
 2 [REDACTED]  
 3 [REDACTED]  
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13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 Q. Has your focus moved away from  
18 suspicious order monitoring or is that still  
19 your primary focus?  
20 MS. TABACCHI: Object to the  
21 form.  
22 THE WITNESS: We no longer  
23 distribute controlled substances as of  
24 April 2018.  
25 Q. (BY MR. INNES) And that's

Page 23

1 probably one of the ground rules I skipped  
2 over. Your answers need to be audible. No  
3 nodding of the head. And we try not to talk  
4 over each other and help our colleague at the  
5 end of the table out.  
6 A. Okay.  
7 Q. I'm usually the biggest  
8 offender of talking over people, so know that  
9 from the beginning.  
10 Let's find our place here.  
11 So when did Walmart exit the  
12 distribution of the C-II/C-IIIs?  
13 A. C-IIs was in April of 2018.  
14 And then IIIs through Vs, I believe that was  
15 complete in May of 2018.  
16 It was a transition, so ...  
17 Q. And so to be clear, Walmart no  
18 longer distributes; is that correct?  
19 A. Correct.  
20 Q. But Walmart does dispense C-IIs  
21 and C-IIIs?  
22 A. Correct.  
23 Q. Do you have any -- is any part  
24 of your current role, since the exit from the  
25 C-II/C-III market, directed towards

Page 24

1 suspicious order monitoring of those types of  
2 products?  
3 MS. TABACCHI: Object to the  
4 form.  
5 THE WITNESS: Can you clarify  
6 that? What you're asking?  
7 MR. INNES: Sure.  
8 Q. (BY MR. INNES) So Walmart no  
9 longer distributes C-IIs; correct?  
10 A. Correct.  
11 Q. Walmart no longer distributes  
12 C-IIIs; correct?  
13 A. Correct.  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
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Page 62

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Page 70

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7 MS. TABACCHI: Michael, when  
8 you get to a good point, can we take a  
9 quick break?  
10 MR. INNES: Sure. Now is  
11 totally fine.  
12 VIDEOGRAPHER: We are going off  
13 the record at 10:03 a.m.  
14 (Recess taken, 10:03 a.m. to  
15 10:29 a.m.)  
16 VIDEOGRAPHER: We are back on  
17 the record at 10:29 a.m.  
18 Q. (BY MR. INNES) We're back, and  
19 then I should state for the record, if you  
20 need to take a break at any time, let us  
21 know.  
22 A. Okay. Thank you.  
[REDACTED]

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Page 72

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Page 73

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12 Q. Okay. So you're aware that  
13 during the time period -- well, you were  
14 aware that for several decades now, the  
15 country has been enduring an opioid epidemic;  
16 is that right?  
17 MS. TABACCHI: Object to the  
18 form.  
19 THE WITNESS: Can you clarify  
20 that.  
21 Q. (BY MR. INNES) During your  
22 time as a controlled substance director, do  
23 you agree that the country is enduring an  
24 opioid epidemic?  
25 A. Yes.

Page 74

[REDACTED]

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10 And remind me again. You  
11 started in your role when?  
12 A. October 2014.

[REDACTED]

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Page 136

12 Q. (BY MR. INNES) In your  
13 personal capacity, in your -- you hold a JD;  
14 is that right?

15 A. That's correct.

16 Q. And you've passed the bar; is  
17 that right?

18 A. Correct.

19 Q. And you were a practicing  
20 lawyer at one point; is that right?

21 MS. TABACCHI: Object to the  
22 form.

23 THE WITNESS: Correct.

Page 135

Page 137

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Page 145

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20 MS. TABACCHI: I'll just  
21 show -- I don't know if you're now  
22 switching to a new topic, but I'm  
23 advised that lunch is here, whenever  
24 you want to take a break for lunch.  
25 Or if you're going to wrap this up in

1 a few minutes, that's fine too. It's  
2 up to you, Mike.

3 MR. INNES: Let me ask -- just  
4 give me 30 seconds. I think I can  
5 close out another chapter.

6 MS. TABACCHI: Great.

7 MR. INNES: We've sort of, as  
8 things go, pulled into another area  
9 that I want to go deeper into.

10 MS. TABACCHI: A few minutes is  
11 fine. If this was going to be an hour  
12 worth of questioning, I just wanted to  
13 let you know.

14 MR. INNES: No, no. Give me  
15 30 seconds to pull something together  
16 here.

17 THE WITNESS: Okay.

18 MS. TABACCHI: Sure.

19 MR. INNES: In the spirit of  
20 efficiency, I'll try to reorder  
21 things.

(b) (5) DPP, (b) (7)(C), (b) (7)(D)

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Page 160

1 the record at 1:04 p.m.  
2 MR. INNES: Okay. Welcome  
3 back.  
4 THE WITNESS: Thank you.

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Page 159

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18 MR. INNES: I think we can take  
19 a break now.  
20 THE WITNESS: Okay.  
21 VIDEOGRAPHER: We are going off  
22 the record at 12:08 p.m.  
23 (Recess taken, 12:08 p.m. to  
24 1:04 p.m.)  
25 VIDEOGRAPHER: We are back on

Page 161

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Page 190

1 VIDEOGRAPHER: Do you want to  
2 go off?  
3 MR. INNES: Yes.  
4 VIDEOGRAPHER: We're going off  
5 the record at 1:42 p.m.  
6 (Recess taken, 1:42 p.m. to  
7 1:51 p.m.)  
8 VIDEOGRAPHER: We are back on  
9 the record at 1:51 p.m.  
10 Q. (BY MR. INNES) Okay. So we're  
11 back. We took a little break to sort out an  
12 issue with plaintiffs' Exhibit 2.  
13 MS. TABACCHI: 3.  
14 MR. INNES: 3, rather. Off to  
15 a really galloping start here.

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Page 192

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Page 236

1 MR. INNES: Yeah, now's a good  
2 time to go off the record.  
3 VIDEOGRAPHER: We are going off  
4 the record at 2:46 p.m.  
5 (Recess taken, 2:46 p.m. to  
6 3:02 p.m.)  
7 VIDEOGRAPHER: We are back on  
8 the record at 3:02 p.m.  
9 Q. (BY MR. INNES) Okay.  
10 Ms. Johnson, we're back.  
11 A. Okay.

[REDACTED]

Page 235

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22 MR. INNES: I know you asked to  
23 take a break, but just let me --  
24 MS. TABACCHI: When it works  
25 for you, Mike.

Page 237

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2 MR. INNES: Why don't we take a  
3 5-, 10-minute break and let me sort of  
4 organize the last portion, see if we  
5 can continue.  
6 MS. TABACCHI: I'm all for  
7 that. Sounds good.  
8 VIDEOGRAPHER: Going off the  
9 record at 3:56 p.m.  
10 (Recess taken, 3:57 p.m. to  
11 4:11 p.m.)  
12 VIDEOGRAPHER: We are back on  
13 the record at 4:11 p.m.

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Page 282

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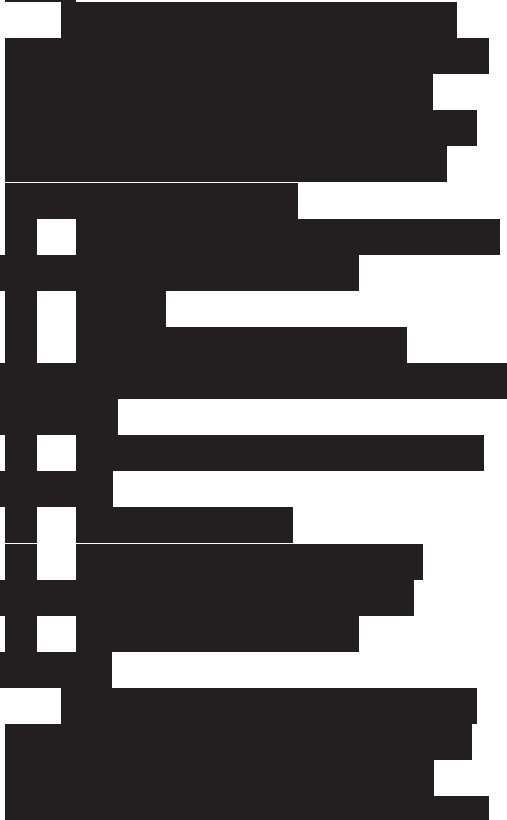
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Page 346

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Page 348

1 that the notice was for 9 o'clock a  
2 while back. We contacted Golkow.  
3 Golkow -- I'll have to talk to my  
4 paralegal, but Golkow was on notice to  
5 correct it. We were under the  
6 assumption it was corrected. So I  
7 don't know what the snafu happened  
8 there.  
9 But, yeah, we were ready to go  
10 at 7:45.  
11 MS. TABACCHI: Understood. We  
12 were all here at 8 o'clock.  
13 Understood.  
14 MR. INNES: Right.  
15 MS. TABACCHI: Thank you.  
16 MR. INNES: We're on the same  
17 page.  
18 MS. TABACCHI: All right.  
19 VIDEOGRAPHER: We're going off  
20 the record at 5:27 p.m.  
21 (Recess taken, 5:27 p.m. to  
22 5:35 p.m.)  
23 VIDEOGRAPHER: We are back on  
24 the record at 5:36 p.m.  
[REDACTED]

Page 347

[REDACTED]

6 MS. TABACCHI: How are we doing  
7 on time? As you know, we were hoping  
8 to start at 8:00 a.m. for travel  
9 purposes. And we were here and  
10 prepared to start at 8:00, so --  
11 I know you're doing the best  
12 you can. How are we doing on time?  
13 MR. INNES: We're doing -- I  
14 can take a hard five-minute break --  
15 and I'll be honest on the five-minute  
16 break -- and organize my notes and we  
17 can come back in.  
18 Are you going to have much  
19 redirect, do you think?  
20 MS. TABACCHI: Well, that  
21 depends on your last five minutes.  
22 MR. INNES: Okay. See, neither  
23 of us are certain as to what's  
24 happening.  
25 I mean, for the record, we saw

Page 349

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Page 350

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Page 367

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MR. INNES: Okay. We can break now.

THE WITNESS: Okay.

MS. TABACCHI: We're finished?

MR. INNES: We're finished. Do you want to get on camera?

MS. TABACCHI: No. I have no questions.

Thank you.

VIDEOGRAPHER: Are you going to read and sign or anything?

MS. TABACCHI: Yes. Yes.

Does anybody on the phone have questions?

VIDEOGRAPHER: We are going off the record at 4:54 p.m.

(Proceedings recessed at 4:54 p.m.)

--o0o--

Page 368

1  
2 CERTIFICATE  
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4  
5 I HEREBY CERTIFY that the  
6 witness was duly sworn by me and that the  
7 deposition is a true record of the  
8 testimony given by the witness.  
9  
10 It was requested before  
11 completion of the deposition that the  
12 witness, MIRANDA JOHNSON, have the  
13 opportunity to read and sign the  
14 deposition transcript.  
15  
16  
17 Debra A. Dibble; RDR, CRR, CRC  
18 Certified Reporter  
19 Notary Public  
20 Dated: December 17, 2018  
21  
22  
23 (The foregoing certification  
24 of this transcript does not apply to any  
25 reproduction of the same by any means,  
unless under the direct control and/or  
supervision of the certifying reporter.)

Page 369

1 INSTRUCTIONS TO WITNESS  
2  
3 Please read your deposition over  
4 carefully and make any necessary corrections.  
5 You should state the reason in the  
6 appropriate space on the errata sheet for any  
7 corrections that are made.  
8 After doing so, please sign the  
9 errata sheet and date it.  
10 You are signing same subject to  
11 the changes you have noted on the errata  
12 sheet, which will be attached to your  
13 deposition.  
14 It is imperative that you return  
15 the original errata sheet to the deposing  
16 attorney within thirty (30) days of receipt  
17 of the deposition transcript by you. If you  
18 fail to do so, the deposition transcript may  
19 be deemed to be accurate and may be used in  
20 court.  
21  
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1	ERRATA
2	Page LINE CHANGE
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1 ACKNOWLEDGMENT OF DEPONENT

2

3

4 I, MIRANDA JOHNSON, do hereby

5 certify that I have read the foregoing pages

6 and that the same is a correct transcription

7 of the answers given by me to the questions

8 therein propounded, except for the

9 corrections or changes in form or substance,

10 if any, noted in the attached

11 Errata Sheet.

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